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OGC 66-1054

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16 May 1966

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Heine v Raus

1. This memorandum is for information.
2. No great progress was made in the case of Heine v Raus on Friday afternoon, 13 May 1966. Before the hearing we resolved our position with the Department of Justice and the Attorney General so that no statements were made or positions taken by Justice which impaired our position in court. In fact, they continued generally to support the defense's position.
3. Most of the afternoon was spent by the judge going over the existing record, verifying the papers in it or calling for further verification and then analyzing the record to find out what further points needed clarification or identification. There was a fair amount of argument by counsel on technical points on admissibility of documents or evidence, and the court held forth at some length on its analysis of the present status of the case. The main subject on which the judge philosophized was the problem involved in claiming a personal privilege for the defendant and then having the Government limit the information which could be given about his employment relationship. This, of course, is the crux of the whole problem and one which we have recognized from the start. The judge concluded by indicating points on which he wished further documentation and asked the defense counsel to tender certain papers and gave plaintiff's counsel until about 20 July on papers he thought they should prepare. After 20 July if counsel request further oral argument on the law, the court will set a time in August. In all probability, therefore, the opinion on the motion for summary judgment based on privilege will not be handed down until either late August or early September.

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4. If there was anything significant about Friday's proceedings it was my feeling that the judge was not as confident of his position supporting the privilege, and it is more probable than it was before that we may get an adverse ruling in his court. If so, we would then go to trial and perhaps this would be the most fortunate outcome. However, at this time we can only wait and see and work with Justice and defense counsel on preparation of certain papers.

SIGNED

LAWRENCE R. HOUSTON
General Counsel

cc: DDCI
SR

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